

-PSO-

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DAVE REED, 99-A-1735,

Plaintiff,

-v-

05-CV-6497CJS (P)

ORDER

LAWRENCE E. HALE,
RICHARD PISTNER,
SHAWN G. KELLY,
JEFFREY D. ROBERTS, and
SCOTT B. MARKOWSKI,

Defendants.

Plaintiff, who is incarcerated in the Southport Correctional Facility, has requested permission to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a). He has provided the requested additional information and has met the statutory requirements. Accordingly, plaintiff's request to proceed as a poor person is hereby granted.

In addition, plaintiff's complaint has been screened by the Court with respect to the 28 U.S.C. §§ 1915(e) and 1915A criteria. Plaintiff alleges that the defendants subjected him to excessive force and assault in violation of the Eighth Amendment. His allegations are sufficient to survive this initial review.

The Clerk of the Court is directed to file plaintiff's papers, and to cause the United States Marshal to serve copies of the Summons, Complaint, and this Order upon the named defendants without plaintiff's payment therefor, unpaid fees to be recoverable

if this action terminates by monetary award in plaintiff's favor.

Pursuant to 42 U.S.C. § 1997e(g)(2), the defendants are directed to answer the complaint.

SO ORDERED.

S/ Michael A. Telesca

MICHAEL A. TELESKA
United States District Judge

Dated: March 29, 2006
Rochester, New York